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10/699,631	10/30/2003	Javier Saenz	IGT1P419BX1/AP00014-010	3077

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Weaver Austin Villeneuve & Sampson LLP - IGT		LE, KHANH H
Attn: IGT		

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P.O. Box 70250
Oakland, CA 94612-0250

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>15 July 2010</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-9 and 21-22, 24-33</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-9 and 21-22, 24-33</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to the correspondence filed 07/15/2010.
Claims 1-9 and 21-33 were pending. Claims are added. Claim 23 is cancelled. Thus claims 1-9
and 21-22, 24-33 are pending. Independent claims 1 (method) and 21(system) have been
amended.

Claim Rejections - 35 USC § 112

**2.   Previous rejections of Claims 1-9 and 21-33 under 35 U.S.C. 112, first and
second paragraph are withdrawn in view of deletion of the offending limitation.**

3.   Interpretation of claims 1 and 21:

As to "determining for each of the awards a likelihood of acceptance by said first patron
based upon at least on i) historical data and ii) observed preference data,
no specific definition is given for "*observed preference data* ", except as different from
"stated" thus the limitation is interpreted as analogous to monitored or tracked or recorded
transaction data (because transaction data is an indication of preferences). Further , the
specification at [0192] states: "*historical preferences (e.g., stated and observed preferences,
and the patron's past refusals and acceptances)*" thus historical preferences include observed
preferences thus i) and ii) become based on the observed preferences.

Claim Rejections - 35 USC § 103

4.   The text of those sections of Title 35, U.S. Code not included in this action can be
found in a prior Office action.

5.   **Claims 1-9, and 21-22, 24-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boushy et al. US 6003013 in view of Pierce US 6332126 and Walker 20030027635.**

Independent claims 1, 21 and dependent claims 8, 9, and 28:

BOUSHY discloses:

A computer-implemented method and system for selecting awards to be offered to patrons of an establishment (abstract), the method comprising:

maintaining a **patron database** storing patron information relating to a plurality of patrons and historical transaction information involving said patrons (abstract; col. 9 lines 52-67; Fig 3 item 212;) connected to a **central server unit** (fig. 1 items 112 , 114 and associated text: database server; marketing server; Fig 2A: components of server 112) with **a processor and a memory** (inherent)

monitoring substantially current transaction activity of said plurality of patrons (abstract: updated customer accounts; Figures 3 and 4 and associated text) and storing in **current activity database**;

regularly assigning a profile (i.e. assigning then updating the profile) to said first patron (col. 5 lines 21-24; col. 10 lines 54-61), by a profile assignment module executable by said server processor, based at least upon portions of said historical transaction information pertinent to said first patron and said substantially real time or current transaction activity (abstract; col. 9 lines 52-67; also col. 9 line 67 to col. 10 line 2);

by an award matching module executable by said server processor, matching 2 or more awards to ones of said profiles (abstract, last line); and

offering said one or more awards to ones of said plurality of patrons assigned to said ones of said profiles (abstract, last line; Figure 4; Fig. 4 item 454 and associated text).

(Note: Boushy also discloses

generating and receiving a script containing information relating to conveyance of awards (e.g. col. 12 lines 8-12: the number of points, based on an newly determined status, is determined ; this information about the points to be offered to customer is the script);

BOUSHY further discloses wherein said historical transaction information is reflective of prior participation of said plurality of patrons in gaming activity managed by said business establishment (abstract) and (claim 20) wherein said profile is selected as a function of participation of said first patron in said gaming activity and in current gaming activity (abstract: updated profile; col. 9 lines 55-67).

Boushy discloses several offers based on updated profiles but **does not specifically disclose** *"based upon at least the historical transaction information involving said patrons including the first patron and the current transaction activity of at least the first patron, **sorting the two or more awards according to a likelihood of the first patron accepting each award; and outputting, based upon said sorting, at least one recommendation of an award to offer to the first patron."***

However Pierce, in the same computer-based targeted discount and incentives art, **discloses consumer transaction histories used to match qualified consumers to targeted merchant discount offers.** Offers are automatically prioritized based on their expected value to consumers and consumers receive the highest priority offers for which they qualify. (abstract; col. 2 lines 34-37).   **The default prioritization can be altered or overridden by the merchants system (abstract).** Pierce also discloses, after matching offers to consumers, automatically notifying them of the best offers for which they qualify (col. 4 lines 55-57; Figure 1.8). In doing so, Pierce discloses the goal is to offer patrons the offers in which they will be most interested (Pierce, col. 2 lines 18-24).

The offers prioritizing in Pierce reads on offers sorting as claimed, (i.e. in order of importance, see definition per http:// dictionary.reference.com/browse/prioritize, printout provided with the last Office Action). Since Pierce teaches patrons <u>will be most</u> interested in these offers, Peirce thus discloses "<u>sorting the two or more awards according to a likelihood of the first patron accepting each award"</u> as claimed because logically patrons would be likely to accept what they are "most interested" in.

Thus it would have been obvious to a person having ordinary skill in the art at the time the invention was made (herein a "PHOSITA") to add the above Peirce's teaching of prioritizing offers to Boushy to offer patrons the best offers <u>in which they will be most</u> interested (Pierce, col. 2 lines 18-24).

The combination of BOUSHY in view of PEIRCE does not explicitly disclose recommendations. However Pierce's notifying of the best prioritized offers reads on recommendations. This is because the system or system operators can override the default prioritization (see abstract), thus this prioritized list only acts as a list of suggestions or recommendations of offers to present to the consumer. The motivation to add this limitation of Pierce to Boushy is to allow some degree of flexibility to the system operator in making the offers.

Further it would have been obvious to combine the recommendations of Peirce to Boushy since the claimed invention is merely a combination of old elements (recommendations of offers of Pierce and offers made in Boushy), and in the combination each element merely would have performed the same function as it did separately (i.e. the offers would just have been recommended instead of being imposed), and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

In view of the level of skill in the art evidenced by Boushy and Pierce a skilled artisan would have known to incorporate the data manipulations taught by Pierce as to the

generation of offers and best recommendations into the system of Boushy to obtain
recommendations being generated by the central server in Boushy.

    Boushy and Pierce do not disclose:

    a hand-held display device the use of which is limited to operators of the gaming
establishment

    with first interface and said second interface on the display device,

    wherein said first interface comprises a visual indicator to display a location of a first
patron rendered on the floor diagram of said gaming establishment

    wherein said second interface displays, based upon results of said sort, information
indicating at least one recommendation of a first award from the matched awards to offer to ones
said first patron

    and data for generating a floor diagram of the gaming establishment including a relative
position and an arrangement of gaming devices and gaming tables within the gaming
establishment.

    However Walker, in the same gaming and offers arts, discloses:

    a hand-held display device the use of which is limited to operators of the gaming
establishment (e.g. Figure 1 item 140: representative device; Fig 5 item 570; 580; [0046]; [0076]
)

    with first interface and said second interface on the display device,

    wherein said first interface comprises a visual indicator to display a location of a first
patron rendered on the **floor diagram** of said gaming establishment ([0186]: map of casino on
rep device);

wherein said second interface displays, information indicating at least one
recommendation of a first award from the matched awards to offer to ones said first patron (
[0114] last 4 lines) the server provides list of offers matched to particular players, subject to
override by representative);

and server generating data for generating a floor diagram of the gaming
establishment including a relative position and an arrangement of gaming devices and
gaming tables within the gaming establishment (inherent in order to generate the map
shown to the representative device, see paragraph [0186]).

Thus it would have been obvious to a PHOSITA to add the representative device of
Walker to Boushy and Pierce to provide another convenient method of displaying offers
to patrons, by mobile service attendants, as taught by Walker. In this case, it would have
been obvious that the sorted and matched offers or recommendations as taught by Walker
and Pierce would also have been displayed. *(Note that Walker also teaches (at [0114]
last 4 lines) the server provides list of offers matched to particular players, subject to
override by representative. Since the representative is on the floor and can observe the
player before making the offer, see e.g. [0076], her selection of which offer reads on
sorting the list of matched suggestions according to a likelihood of acceptance.* Since
Walker teaches displaying the manual sort on the device, while Pierce teaches sorting
automatically, it would have been obvious, in the system of Boushy, Pierce and Walker,
to display the automatic sort on the Walker's device). It would have been obvious to a
PHOSITA to add the mapping functionality of the representative device of Walker and its
necessary mapping data generation to Boushy and Pierce so to provide the useful
customer location function as taught by Walker.

(Note: Walker also discloses:

A computer-implemented patron award system for <u>a gaming establishment </u>comprising:

a) a patron database (e.g. Figure 4 item 455 and associated text; Figure item 580 "likes to play golf" reads on patron characteristics or profiles; e.g. [0159]);
in which is maintained patron information relating to a plurality of patrons and historical transaction information (e.g. Figure 5 item 580 "staying at hotel") involving said patrons;

b) a current activity database for storing substantially current transaction activity information (e.g. Figure item 580 "last 10 spins have been losing outcomes ") for said plurality of patrons;

c) a server unit operatively connected to said patron database and said current activity database, said central server including:

a processor and a memory associated with said processor,
 wherein said memory further includes:

a profile assignment module executable by said processor, said profile assignment module being disposed to regularly assign (i.e. update) profiles to said plurality of patrons (e.g. Figure 4 item 455 and associated text; Figure item 580 "likes to play golf" reads on patron characteristics or profiles; e.g. [0159]);[0048]: representative can view player's profiles (e.g. "hobbies") and update player's profiles via her PDA, e.g. as to acceptance of offers;

an award matching module executable by said processor, said award matching module operating to match awards to ones of said profiles ([0114] last 4 lines: server provides list of offers matched to particular players, subject to override by representative);

logic executed by the processor designed or configured to,

based upon at least the historical transaction information related to the plurality of patrons and said substantially current transaction activity of said plurality of patrons, provide the matched awards to a first patron (of said plurality of patrons assigned to said ones of said profiles) (e.g. [0092]); and display on mobile representative device with 1st and 2nd interface as discussed above).

As to *"determining for each of the awards a likelihood of acceptance by said first patron based upon at least (i) the historical transaction information involving said patrons including the first patron (ii) the observed preference data of at least the first patron,*

As stated above , based on the above interpretation that observed preference data is the same as monitored transaction activity, note that Boushy teaches monitored substantially current transaction activity (abstract, Fig 3 and 4 and associated text). Pierce teaches sorting offers by likelihoods of acceptance. Walker teaches an interface used by casino personnel on the casino floors to present offers. The motivation to combine the references was presented above.

Alternatively if "observed preference data ","" is taken as observed by casino personnel, Walker at [0110] teaches:" *a representative who interacts with a player is capable of more thoroughly understanding the preferences of that player. Thus, in one embodiment representatives and the central computer can advantageously cooperate to determine which offers to provide to players"*

(Walker [0110]:
" *There may be advantages to having a representative assist in selecting an offer to present to a player. Even exceptionally designed computer systems are generally not as adept at interpreting player preferences, feelings, and moods as are people, especially certain types of people. In general, a representative would be capable of more readily determining player preferences, feelings, and moods. Therefore, a representative, especially a well-trained representative, may be able to ascertain or interpret information that an unaided central computer could not. Further, over **time** a*

> representative *who interacts with a player is capable of more thoroughly
> understanding the preferences of that player*. *Thus, in one embodiment
> representatives and the central computer can advantageously cooperate to
> determine which offers to provide to players")*

Thus it would have been obvious to a skilled artisan to add such WALKER teaching to the BOUSHY, PIERCE AND WALKER system to allow adding the casino personnel insight to other tracked data to "advantageously cooperate to determine which offers to provide to players" (Walker [0110]).

Note also that the databases or other apparatus or devices do not know whether the data are "observed" or not.

As to sorting matched offers based on the likelihood of acceptance wherein the matched offers are based on observed preference data collected during a time period specified by an operator, Walker teaches at [0058] data collected on a user may be based on "any other desired time period".

> (*Walker, [0058] Player database may further include any other data related to a
> player, including but not limited to (i) amount lost or won in the current
> gaming session; (ii) amount won or lost during this stay at the casino, during
> this vacation or during any other desired time period; and (iii) activities
> performed during his stay at a casino)*

Thus it would have been obvious to add such teaching to the BOUSHY, PIERCE AND WALKER system to allow monitoring data for any desired time period, by an operator or any other instrumentality, as relevant or needed, for any business purpose.

Claims 30-33:

Official Notice is taken that it is old and well-known to match offers based on time of day, (e.g. offering a free coffee at breakfast time because the offer is timely and more likely to be accepted; see e.g. Lonsbury US 20050267804 at [0014] : coupons dispensed based on time of day). Thus it would have been obvious to add the above old and well-known facts to the system of BOUSHY, PIERCE AND WALKER to allow making timely and more likely to be accepted offers.

Claims 31-33:

As to observed location of a patron within a business establishment or observed time played by a patron at a location within the gaming establishment , Walker at [0076] teaches offers made to : "*v) a player who appears to be frustrated by a*

winning streak by a casino dealer (such as a blackjack dealer who has not

busted for a very long time or has been achieving a total of twenty one), i.e. teaches offers made based on an observed time played at blackjack table within the casino).

As to observed preference data includes an observed meal type selected by a patron, Walker at [0081] teaches offer triggers: " Triggers may also comprise other activities performed by the player. …purchases a **meal** at a restaurant associated with the casino". "Purchases a **meal** at a restaurant associated with the casino reads on a type of meal selected, e.g. a pizza bought at a pizzeria associated with the casino).

Thus it would have been obvious to add the above-discussed offer triggers taught by Walker to the system of BOUSHY, PIERCE AND WALKER to allow making offers based on observed behaviors thus making them more likely to be accepted.

Claims 2, 22:

The combination of BOUSHY in view of PEIRCE and Walker discloses a method and/or system as in claims 1, or 21 above and BOUSHY further discloses defining a plurality of profiles associated with a corresponding plurality of profile valuations, said assigning further including selecting said profile from said plurality of profiles.
(col. 9 lines 52-67: e.g. VIP customers).

Claims 3, 24, 26:

The combination of BOUSHY in view of PEIRCE and Walker discloses a method and/or system as in claims 1, or 21 above and BOUSHY further discloses defining a plurality of awards, said matching further including selecting said award from said plurality of awards based upon a profile valuation of said profile and a value of said award (abstract: distinguished (i.e. more valuable) services for special status (i.e. is higher valuation) customers; col. 12 lines 8-12, 20-22: different levels of points; col. 12 lines 50-55: different levels of comps).

Claims 4, 25:

The combination of BOUSHY in view of PEIRCE and Walker discloses a method and/or system as in claims 1, or 24 above and BOUSHY further discloses wherein said profile is characterized by a profile valuation (col. 9 line 2 to col. 10 line 2 : VIP or Premier customers profiles, "worth to the casino" or "theoretical win value" read on profile valuations). Boushy also discloses awards commensurate with customers' expenditures and her worth to the casino (e.g. based on her "theoretical win value" to the casino) (col. 14 lines 9-25).

However <u>BOUSHY does not specifically disclose</u> said award matched to said profile is being valued at less than or equivalent to said profile valuation.

However, businesses are not in the business to lose money. Since giving awards values higher than what the business can make of the customer (e.g. based on her "theoretical win value" to the casino) is losing money, it would have been obvious to the PHOSITA to add to the combination of BOUSHY in view of PEIRCE and Walker to give an award matched to said profile being valued at less than or equivalent to said profile valuation only, for the above stated goal. Giving more would be inconsistent with Boushy's goal of giving "commensurate awards" (col. 14 lines 22-24).

Claim 5:

The combination of BOUSHY in view of PEIRCE and Walker discloses a method and/or system as in claim 1above and BOUSHY further discloses customer's preferences are collected (col. 9 lines 54).

But neither BOUSHY nor PEIRCE explicitly disclose wherein said matching includes considering award preferences of said patron or plurality of patrons. However since one usually is more receptive to offers that one likes, it would have been obvious to add to BOUSHY an

offer based on the consumer preferences to increase the odds that the offer would be accepted.
These personalized awards would enhance the customer's overall experience with the business
and the awards process and might make him or her more likely to return, a goal of Boushy (col.
10 lines 49-53).

Claim 6:

The combination of BOUSHY in view of PEIRCE and Walker discloses a method as in
Claim 5 above and BOUSHY further discloses wherein said matching further includes
considering current conditions (col. 13 lines 29-32). (Note "current conditions" also reads on
current activities of the customers, which as stated in discussions of previous claims above,
determine level of awards as points and/or comps).

Claim 7:
The combination of BOUSHY in view of PEIRCE and Walker discloses a method and/or
system as in claim 5 above of matching awards based on customers preferences and further
BOUSHY discloses the system monitors customers reactions to offers (redemptions) for
analysis to better target subsequent offers (col.14 lines 43-49 and lines 58-60). Since one is more
likely to accept an offer that one likes, accepting a particular award is some indication of one's
preference for that award. Thus at col.14 lines 43-49 and lines 58-60, BOUSHY discloses
matching awards wherein "the award preferences are based at least in part upon reaction of said
first patron to other awards previously offered to said first patron".

Claims 27 and 29:

The combination of Boushy in view of PEIRCE and Walker discloses a method and/or
system as in claims 1, or 24 above. BOUSHY in view of PEIRCE does not, but Walker discloses
wherein said server logic is further designed or configured to generate a script containing
information that describes how to deliver said first award to said first patron and wherein said

logic is further configured to output said script to the display device (e.g. [0076]; [0168]: "prompts" reads on scripts) .

   Thus it would have been obvious to a PHOSITA to add such functionality to the system of Boushy and PEIRCE to help the representatives make effective offers presentations as taught by Walker.

Response to Arguments

6.   Applicant's arguments have been fully considered but they are not persuasive.

   Applicant argued that the systems of Boushy and Pierce are incompatible. However Pierce was only used for the teaching of manipulation of data to target merchant offers with consumer transaction histories, automatically prioritizing the offers based on expected value to the consumer and presenting the best offers to her. This data manipulation teaching can readily be adapted in the Lan /Wan system of Boushy by a skilled artisan. There is no incompatibility just because many merchants are taught in Pierce. Suppose there are only two merchants in Pierce and they are affiliated, e.g. a hotel of a casino and the restaurant of the same casino. Their offers would be the equivalent of both offers being made by the parent casino just as done in Boushy.

Conclusion

7.   **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 571-272-6721. The Examiner works a part-time schedule and can normally be reached on Monday-Wednesday 9:00-6:00. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314). Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Khanh H. Le/
Primary Examiner, Art Unit 3688